

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTUS CARE, INC.,

Plaintiff,

v.

RTZ ASSOCIATES, INC.,

Defendant.

Case No. 24-cv-01132-JST

**ORDER GRANTING MOTION TO FILE
UNDER SEAL; ORDER VACATING
ORDER DENYING MOTION TO FILE
UNDER SEAL**

Re: ECF Nos. 63, 75

Defendant filed a motion to file under seal material that was designated confidential by Plaintiff. ECF No. 63. Plaintiff failed to file the responsive statement and/or declaration required by Civil Local Rule 79-5(f)(3), and, on May 13, 2025, the Court granted it an additional seven days to file the required documents. ECF No. 74. Plaintiff again failed to file the required supporting documentation. The Court therefore denied the motion to seal and ordered Defendant to file the material on the public docket within seven days. ECF No. 75.

The day after the Court denied the sealing motion, Plaintiff filed the required supporting documentation. ECF No. 76. Having reviewed Plaintiff's counsel's declaration, the Court finds compelling reasons to grant Defendant's motion to seal. Its prior order denying the motion to seal, ECF No. 75, is vacated. Exhibit 6 to the declaration of David C. Lee in support of Defendant's motion for partial summary judgment may remain under seal.

The Court admonishes counsel for failing to follow the Local Rules and for failing to comply with the Court's May 13, 2025 order. Counsel noted that Plaintiff did not file the declaration following the Court's May 13, 2025 order "[d]ue to an oversight" and "acted diligently to file the declaration as soon as it was alerted to the lapse." *Id.* at 3 n.1. However, counsel failed to acknowledge the initial deadline imposed by Civil Local Rule 79-5(f)(3), or explain how the

1 same “oversight” occurred as to both the initial and continued deadlines. The Court expects that
2 counsel have put corrective plans in place to avoid similar errors in the future. Further lapses may
3 result in the imposition of sanctions.

4 **IT IS SO ORDERED.**

5 Dated: May 28, 2025



JON S. TIGAR
United States District Judge